

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BLUE SPIKE, LLC	§	Civil Action No. 6:12-CV-499 MHS
<i>Plaintiff,</i>	§	
	§	LEAD CASE
v.	§	
	§	
TEXAS INSTRUMENTS, INC.	§	
<i>Defendants</i>	§	

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BLUE SPIKE, LLC,	§	Civil Action No. 6:12-CV-576 MHS
<i>Plaintiff,</i>	§	
v.	§	CONSOLIDATED CASE
AUDIBLE MAGIC CORPORATION,	§	
FACEBOOK, INC., MYSPACE, LLC,	§	
SPECIFIC MEDIA, LLC,	§	
PHOTOBUCKET.COM, INC.,	§	
DAILYMOTION, INC.,	§	
DAILYMOTION S.A., SOUNDCLOUD,	§	
INC., SOUNDCLOUD LTD., MYXER,	§	
INC., QLIPSO, INC., QLIPSO MEDIA	§	
NETWORKS LTD., YAP.TV, INC.,	§	
GOMISO, INC., IMESH, INC.,	§	
METACAFE, INC., BOODABEE	§	
TECHNOLOGIES, INC., TUNECORE,	§	
INC., ZEDGE HOLDINGS, INC.,	§	
BRIGHTCOVE INC.,	§	
COINCIDENT.TV, INC., ACCEDO	§	
BROADBAND NORTH AMERICA,	§	
INC., ACCEDO BROADBAND AB,	§	
AND MEDIAFIRE, LLC	§	
<i>Defendants.</i>	§	

**DECLARATION OF GABRIEL RAMSEY IN SUPPORT OF  
AUDIBLE MAGIC CORPORATION'S MOTION FOR  
SUMMARY JUDGMENT OF NONINFRINGEMENT**

I, Gabriel Ramsey, declare under penalty of perjury that the following is true and correct:

1. I am an attorney at the law firm Orrick, Herrington & Sutcliffe, LLP, counsel of record for defendant Audible Magic Corp. (“Audible Magic”). I have personal knowledge of the facts set forth in this declaration, or access to information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.

2. Attached hereto as **Exhibit 1** is a true and correct excerpt from the transcripts of Scott Moskowitz’s deposition which occurred December 9-11, 2014 and January 14-16, 2015.

3. Attached hereto as **Exhibit 2** is a true and correct excerpt from the transcript of Michael Berry’s deposition which occurred February 10, 2015.

4. Attached hereto as **Exhibit 3** is a true and correct excerpt of Blue Spike’s Technical Expert Report of Ahmed H. Tewfik, Ph.D. Regarding Infringement (“Infringement Report”) served on March 2, 2015.

5. Attached hereto as **Exhibit 4** is a true and correct excerpt of Blue Spike’s Technical Expert Report of Yannis Papakonstantinou Ph.D. Rebuttal of Invalidity Reports by Dr. John Strawn and Dr. Schuyler Quackenbush served on May 11, 2015.

6. Attached hereto as **Exhibit 5** is a true and correct excerpt from the transcript of Thomas Blum’s deposition which occurred on October 28, 2014.

7. Attached hereto as **Exhibit 6** is a true and correct excerpt of Audible Magic’s Report of Dr. John Strawn, Ph.D. Concerning Muscle Fish and Audible Magic Content-Based Recognition Libraries and Related Programs, including Attachment D, served on March 2, 2015.

8. Attached hereto as **Exhibit 7** is a true and correct excerpt of Audible

Magic's Rebuttal Expert Report of Dr. John Strawn, Ph.D. served on April 21, 2015.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a document entitled "Why Does Audible Magic Care About IP and Patents?" bearing the bates stamp AUDMAG00394500-AUDMAG00394501, produced by Audible Magic in this action.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the Microsoft Word metadata for the native version of Exhibit 8, and the output of the "Relativity" document production database reflecting the metadata for the native version of Exhibit 8, both showing that Exhibit 8 was created and modified on August 8, 2012.

11. Attached hereto as **Exhibit 10** is a true and correct copy of Blue Spike's Preliminary Election of Asserted Claims, listing the entire set of claims asserted by Blue Spike against Audible Magic and its customers.

12. Attached hereto as **Exhibit 11** is a true and correct copy of asserted U.S. Patent No. 7,346,472. The term "abstract" occurs in each claim of this patent.

13. Attached hereto as **Exhibit 12** is a true and correct copy of asserted U.S. Patent No. 7,660,700. The term "abstract" occurs in each claim of this patent.

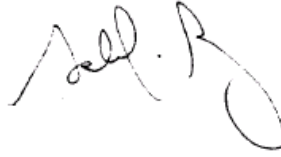
14. Attached hereto as **Exhibit 13** is a true and correct copy of asserted U.S. Patent No. 7,949,494. The term "abstract" occurs in each claim of this patent.

15. Attached hereto as **Exhibit 14** is a true and correct copy of asserted U.S. Patent No. 8,214,175. The term "abstract" occurs in each claim of this patent.

16. Attached hereto as **Exhibit 15** is a true and correct copy of U.S. Patent 5,918,223, assigned to Audible Magic Corp., is asserted as prior art to the Patents-in-Suit, and is addressed in Audible Magic's invalidity contentions and invalidity expert report, as well as Blue Spike's rebuttal "validity" expert report.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on May 18, 2015 in San Francisco, CA.

A handwritten signature in black ink, appearing to read "Gabriel M. Ramsey", written over a horizontal line.

Gabriel M. Ramsey